

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF APRIL 15, 2005

(Published April 23, 2005, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
April 15, 2005 - 9:46 a.m.  
Council President Ostrow in the Chair.  
Present - Council Members Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, President Ostrow.  
Absent – Council Members Niziolek, Zerby.  
Lilligren moved adoption of the agenda. Seconded.  
Adopted upon a voice vote 4/15/05.  
Absent – Niziolek, Zerby.  
Lilligren moved acceptance of the minutes of the regular meeting and adjourned session held April 1, 2005. Seconded.  
Adopted upon a voice vote 4/15/05  
Absent – Niziolek, Zerby.  
Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.  
Adopted upon a voice vote 4/15/05.  
Absent – Niziolek, Zerby.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270326)  
City's Living Wage: Report stating the 2005 federal standard and Minneapolis living wage.  
2005 Housing Funding Cycles: Report.  
GRANTS AND SPECIAL PROJECTS (270327)  
2005-2009 Consolidated Plan: Written comments received at public hearing.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270328)  
Vacant Housing Recycling Program: Authorize the sale of 2004 James Av N to James on Broadway Car Wash; 2941 Morgan Av N to Willie Matthews & Natasha Matthews.  
GMHC Century Homes Program: Authorize the sale of 2653 Emerson Av N to The Greater Metropolitan Housing Corporation of the Twin Cities.  
Willard Hay: Authorize the sale of 2344 Sheridan Av N to the Greater Metropolitan Housing Corporation of the Twin Cities.

3310-14 Nicollet (Nicollet Park Commons): Authorize the sale of 3310-14 Nicollet Av to 3310 Nicollet LLC, (Prima Land Inc.).

Fairview Health Services Project: Preliminary and final approval to the issuance of up to \$490,000,000 in 501 (c) (3) Tax-exempt Revenue Bonds, Series 2005.

Hope Community, Inc. (HCI): Preliminary and final approval to the issuance of up to \$2.1 million Bank Qualified Bank Direct 501 (c) (3) Tax-exempt Revenue Bonds.

American Indian Community Development Corporation (AICDC): Accept \$30,000 in Non Profit Housing Development Assistance Funds.

Lot Reduction Program (2931 Dupont Av N): Rescind previous denial of funding and authorize \$15,000 from the Perpetual Affordability Pilot Program to Brakins Homes.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270329)**

Workforce Ownership Housing Development Program: Approve funding for Nicollet Commons, Greenway at Midtown, Village in Phillips, Cedar Av Condominiums, and Marshall Stacey Townhome project.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270330)**

Orpheum, State and Pantages Theatres: Proposed Term Sheet for operation, booking and disposition of the Orpheum, State and Pantages Theatres, execution of lease for theatre properties with Hennepin Theatre Trust (HTT), and operation and booking by HTT, Historic Theatre Group, Ltd and Clear Channel Entertainment.

**NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270331)**

Whittier Neighborhood: Approve Phase II plan.

Fulton Neighborhood: Approve Phase II plan.

Affordable Housing Reserve Fund: Appropriation of funds for the eleven projects recommended for funding.

**HEALTH AND HUMAN SERVICES (See Rep):**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270332)**

Workforce Investment Act: Authorize Mayor Rybak to sign the Program Year 2005/2006 Local Plan for the Workforce Investment Act.

"Close the Gap" Program: Execute contract with Northway Community Trust to accept \$300,000 to provide job opportunities to residents of North Minneapolis during period May 1, 2005 through June 30, 2007.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**HEALTH AND FAMILY SUPPORT SERVICES (270333)**

Smoke Free Policy Surveillance: Passage of Resolution transferring \$10,000 from Health & Family Support to Regulatory Services, Environmental Management and Safety Division, to educate business establishments in Minneapolis about the new ordinance and consequences of noncompliance.

**INTERGOVERNMENTAL RELATIONS:**

**FINANCE DEPARTMENT (270334)**

Pension Funds: Public Employees Retirement Association (PERA) legislative summary.

**GRANTS AND SPECIAL PROJECTS (270335)**

First Quarter 2005 Report.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

INSPECTIONS DEPARTMENT (270336)

Chapter 249 Properties:

3045 2nd Av S: Authorize acquire by uses of eminent domain proceedings, if necessary.

3936 and 3938 4th Av S: Authorize demolition.

1709 25th Av N: Authorize demolition, to be stayed to June 1, 2005 with conditions.

LICENSES AND CONSUMER SERVICES (270337)

Bombay Food & Grocery (1848 Central Av NE): Grant Grocery License, subject to conditions.

Five Restaurant and Street Lounge (2917 Bryant Av S): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Licenses: Applications.

REGULATORY SERVICES (270338)

Liquid Waste Hauling and Fumigating Special Permits: Passage of Ordinances eliminating the reference to "special" permits.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (270339)

Federal Emergency Management/State and Local Assistance Grant: Accept grant award of \$45,580 from FEMA for Fire Department efforts in 2004 Emergency Management Performance Grant; and Passage of Resolution appropriating funds to Fire Department.

POLICE DEPARTMENT (270340)

Enforcement of MnPass I-394 High Occupancy Toll Lane: Execute Joint Powers Agreement with Minnesota Department of Public Safety to receive up to \$25,000 annually to enforce MnPass toll lane rules and regulations; and Approve appropriation.

Police Department Crime Lab: Accept grant award of \$10,000 and execute grant agreement with Minnesota Department of Public Safety for equipment and training to improve operation of Crime Lab; and approve appropriation.

PURCHASING (270341)

Bids: Accept

OP #6415, only bid of North Central Instruments for bridge macroscope to Police Department;

OP #6401, low bid of Jason Mattsen for tree removal and disposal;

OP #6400, low bid of Trades Unlimited for rubbish and refuse removal;

OP #6385, low bid of Over the Top for weed cutting and related services;

OP #6375, low bid of CastreJon for securing open and vacant buildings.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (270342)

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 4th Quarter, 2004 (See Petn No. 270133).

Quarterly Submittal of Traffic Zones, Restrictions, and Controls: Receive & file report.

XCEL ENERGY/NSP (270343)

Utility Poles: Install two (2) new 40'3 poles in the alley on 14th St E between Chicago Av & Elliot Av S, Design #121461 (relocation of existing pole line).

Utility Poles: Install two (2) 50'3 poles and one (1) 45'4 pole for temporary relocation of overhead lines to accommodate Chicago Av S Greenway bridge project. Design #122057.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (270344)

Glenwood Av N Street Lighting Project: Adopt cost estimate, designate area and location as Street Lighting District No. 1316, and set public hearing for 5/17/05.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (270345)**

Chicago Ave Bridge Project: Resolution to fund in excess of State Bridge Bonds.

Loring Bikeway, Phase II: a) Increase appropriation and revenue; b) Authorize Advance Construction Agreement with MnDOT; and c) Appoint Minnesota Commissioner of Transportation as Agent of the City of Minneapolis.

Bids: a) OP #6394, bids of Bituminous Roadways, Inc. and Midwest Asphalt Corporation for bituminous mixtures; and b) OP #6403, bid of J. Fletcher Creamer & Sons, Inc. for cleaning and lining of cast iron water mains.

**PUBLIC WORKS AND ENGINEERING (270346)**

Como Av SE Reconstruction Project No. 6695: Ordering work to proceed, adopting special assessments, requesting Board of Estimate and Taxation to issue and sell bonds, and Ordinance establishing no parking zone on Como Av between 23rd & 33rd Av SE.

2005-2006 Grant Agreements for Downtown Transportation Management Organization (TMO):

a) Authorize agreement between Met Council and City of Minneapolis to provide federal grant funding for Transportation Demand Management projects; b) Authorize agreement with Downtown Minneapolis TMO to perform specific work outlined in Met Council contract; and c) Increase appropriation and revenue.

Off-Street Parking System: Amendment to management agreement with Municipal Parking, Inc.

Lake Street Reconstruction (5th Av S to Hiawatha Av S): a) Amend roadway layout between Chicago & Elliot Av S; b) Approve agreement between City of Minneapolis, Hennepin County, and MnDOT for Federal Participation in Force Account and Advance Construction; and c) Authorize amendment to City/County Cooperative Agreement for Professional Services.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (270347)**

Legal Settlements: a) Jeffrey Reiter; b) Mark Hanson; c) Titilay Bediako.

Amendment of City's Defense and Indemnification Policy and Procedures to include volunteers who are members of the City's Community Emergency Response Teams (CERT).

**BUSINESS INFORMATION SERVICES (270348)**

Casewise, LTD contract: to accommodate services for the Minneapolis One Call project.

Loffler Information Technology Services, LLC contract: for maintenance of the Police Department's digital recording systems.

**COMMUNICATIONS (270349)**

Utility bill insert: "A Festival of Arts" with Minneapolis Mosaic.

**HUMAN RESOURCES (270350)**

AFSCME Local #9, Attorneys Unit Labor Agreement: Approve summary of collective bargaining agreement and direct execution of agreement.

Teamsters Local #320, Truck Drivers Unit Labor Agreement: Approve summary of collective bargaining agreement and direct execution of agreement.

**LIBRARY, MINNEAPOLIS PUBLIC (270351)**

New Central Library Project: Change order No. 2 to contract number C-20306 with LeJeune Steel Company.

New Central Library Project: Change order No. 2 to contract number C-20133 with HKL Cladding Systems, Inc.

**PURCHASING (270352)**

Bid: OP #6393, Accept bid of Finance & Commerce for publication of Council proceedings, ordinances, proposals, resolutions and related matters.

**ZONING AND PLANNING (See Rep):**

**INSPECTIONS/BOARD OF ADJUSTMENT (270353)**

Board of Adjustment: Reappointment of John Finlayson, David Fields & Peter Rand.

PLANNING COMMISSION/DEPARTMENT (270354)

Appeal:

Bob Sorrell, for Wendy's International (re 325 & 329 E Franklin Ave & 2015 Clinton Ave S): Re conditional use permit application for fast food restaurant; site plan review conditions.

**PLANNING COMMISSION:**

PLYMOUTH 94 PROPERTIES, E.F. Shelleny (270355)

Easement Rights, 14th Ave N betw Washington Ave N & 3rd St N.

*The following reports were signed by Mayor Rybak on April 20, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2004 James Av N to James on Broadway Car Wash for \$1, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Resolution 2005R-173, authorizing the sale of 2004 James Av N, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-173**

**By Goodman**

**Authorizing sale of land Disposition Parcel No WB 211-10A.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel WB 211-10A, in the Jordan Neighborhood, from James on Broadway Car Wash, hereinafter known as the Purchaser, the Parcel WB 211-10A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

The Southeasterly 1 foot of Lot 45, Block 17, Forest Heights.

Whereas, the Purchaser has offered to pay the sum of One and No/100 Dollars (\$1), for Parcel WB 211-10A, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 10, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of One and No/100 Dollars (\$1) to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 25, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 5, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 3:00 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the WB 211-10A is hereby estimated to be the sum of One and No/100 Dollars (\$1).

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2921 Morgan Av N to Willie Matthews and Natasha Matthews for \$180 with a conservation easement, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Resolution 2005R-174, authorizing the sale of 2921 Morgan Av N, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-174**

**By Goodman**

**Authorizing sale of land Disposition Parcel No JOR 29-20A**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel JOR 29-20A, in the Jordan Neighborhood, from Willie Matthews and Natasha Matthews, hereinafter known as the Purchaser, the Parcel JOR 29-20A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

The South 14 feet of Lot 2, Block 2, Forest Park Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of One Hundred Eighty and no/100 Dollars (\$180.00), for Parcel JOR 29-20A, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 10, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of One Hundred Eighty and no/100 Dollars (\$180.00) to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 25, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 5, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 3:00 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the re-use value for the JOR 29-20A is hereby estimated to be the sum of One Hundred Eighty and no/100 Dollars (\$180.00).

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2653 Emerson Av N to The Greater Metropolitan Housing Corporation for \$15,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Resolution 2005R-175, authorizing the sale of 2653 Emerson Av N, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-175**

**By Goodman**

**Authorizing sale of land GMHC Century Homes Program Disposition Parcel No GC-273.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel GC-273, in the Jordon neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities, hereinafter known as the Redeveloper, the Parcel GC-273, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

Lot 1, except the Westerly 44 feet thereof, Block 22, Fairmount Park Addition to Minneapolis.

Being registered property as is evidenced by Certificate of Title No. 1142802.

Whereas, the Redeveloper has offered to pay the sum of \$15,000, for Parcel GC-273 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 25, 2005, a public hearing on the proposed sale was duly held on April 5, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 3:00 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the GMHC Century Homes Program plan, as amended, is hereby estimated to be the sum of \$15,000 for Parcel GC-273.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2344 Sheridan Av N to The Greater Metropolitan Housing Corporation for \$25,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and



2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Resolution 2005R-176, authorizing the sale of 2344 Sheridan Av N, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-176**

**By Goodman**

**Authorizing sale of land Willard Homewood Urban Renewal Plan Disposition Parcel No GC-274.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel GC-274, in the Willard Hay Neighborhood neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities, hereinafter known as the Redeveloper, the Parcel GC-274, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

Lot 10, Walton's North Side Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$25,000, for Parcel GC-274 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 25, 2005, a public hearing on the proposed sale was duly held on April 5, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 3:00p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Willard Homewood Urban Renewal plan, as amended, is hereby estimated to be the sum of \$25,000 for Parcel GC-274.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof;

provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3310-14 Nicollet Av to 3310 Nicollet LLC, a wholly owned subsidiary of Prima Land, for \$230,400.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Approved by Mayor Rybak 4/15/05.

(Published 4/19/05)

Resolution 2005R-177, authorizing the sale of 3310-14 Nicollet Av, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-177**

**By Goodman**

**Authorizing sale of land Model City Urban Renewal Plan Disposition Parcel No. TF-337 and 338.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-337 and 338, in the Lyndale neighborhood, from 3310 Nicollet LLC, a wholly owned subsidiary of Prima Land Inc., hereinafter known as the Redeveloper, the Parcel TF-337 and 338, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

Parcel TF-337

Lots 5 and 6, Block 1, Nicollet Addition to Minneapolis.

Being registered land as is evidenced by Certificate of Title No. 856434.

Parcel TF-338

Lots 7 and 8, Block 1, Nicollet Addition to Minneapolis.

Being registered land as is evidenced by Certificate of Title No. 856435.

Whereas, the Redeveloper has offered to pay the sum of \$230,400, for Parcel TF-337 and 338 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 25, 2005, a public hearing on the proposed sale was duly held on April 5, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 3:00 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model City Urban Renewal plan, as amended, is hereby estimated to be the sum of \$230,400 for Parcel TF-337 and 338.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Approved by Mayor Rybak 4/15/05.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$490,000,000 in 501(c)(3) Tax-exempt Revenue Bonds, Series 2005, for Fairview Health Services Project for bond refunding and new financing for construction of improvements and remodeling of their facilities.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Approved by Mayor Rybak 4/15/05.

(Published 4/19/05)

Resolution 2005R-178, giving preliminary and final approval to the issuance of up to \$490,000,000 in 501(c)(3) Tax-exempt Revenue Bonds, Series 2005, for Fairview Health Services Project, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2005R-178**

**By Goodman**

#### **Authorizing the issuance and sale of revenue bonds of the City on behalf of Fairview Health Services and the execution of documents.**

Whereas, this Council has received a proposal from Fairview Health Services, a Minnesota nonprofit corporation (the "Fairview") that the City of Minneapolis (the "City") issue its revenue bonds (the "Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act"), in one or more series, for the purposes of (a) refunding all or a portion of the outstanding Health Care System Revenue Bonds, Series 1997A (Fairview Hospital and Healthcare Services) (the "Series 1997A Bonds"), issued by the Minnesota Agricultural and Economic Development Board (the "Board"); (b) refunding all or a portion of the Health Care System Revenue Bonds, Series 2000A (Fairview Health Services) (the "Series 2000A Bonds") issued by the Board; (c) refunding all or a portion of the outstanding Health Care System Revenue Bonds (Fairview Health Services), Series 2002A (the "Series 2002A Bonds") issued by the City; (d) financing a project under the Act consisting of the construction of improvements to and remodeling of the Corporation's health care facilities located in Edina, Burnsville, Wyoming and Princeton, Minnesota and the acquisition and installation of items of equipment therein (the "Project"); (e) if required in connection

with the issuance and sale of the Bonds, to fund a deposit to the debt service reserve fund securing the Bonds; and (f) paying certain costs of issuance of the Bonds; and

Whereas, at a public hearing, duly noticed and held on April 5, 2005, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to finance the Project and to refund the Series 1997A Bonds, the Series 2000A Bonds and the Series 2002A Bonds, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to finance the Project and to refund the Series 1997A Bonds, the Series 2000A Bonds and the Series 2002A Bonds, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$490,000,000 aggregate principal amount of the Bonds in one or more series under the authority contained in the Act to finance the Project and to refund the Series 1997A Bonds, the Series 2000A Bonds and the Series 2002A Bonds (the Series 1997A Bonds, the Series 2000A Bonds and the Series 2002A Bonds to be refunded by the Bonds are hereinafter together referred to as the "Refunded Bonds") would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act by providing the City and surrounding area with necessary healthcare facilities, is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, the proceeds of the Bonds will be lent (the "Loan") by the City to Fairview, in order to finance the Project and to refund the Refunded Bonds, to fund a debt service reserve fund for the Bonds if required in connection with the issuance and sale of the Bonds and to pay certain costs of issuance of the Bonds; and

Whereas, pursuant to one or more Loan Agreements (whether one or more, the "Loan Agreement"), to be entered into between the City and Fairview, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, Fairview will issue to the City its Note or Notes (whether one or more, the "Notes"). The Notes will be issued under the Master Trust Indenture (the "Master Indenture"), dated as of November 1, 1985, between Fairview, as successor to Carondelet Community Hospitals, Inc. and U.S. Bank National Association, formerly known as First Trust National Association, as trustee (the "Master Trustee"), as supplemented and amended by one or more Supplemental Indentures thereto (whether one or more the "Supplemental Indenture") to be entered into between Fairview and the Master Trustee. Under the Notes Fairview will unconditionally agree to repay the Loan made by the City under the Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by Fairview of administrative costs of the Bond Trustee (as hereinafter defined), indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and Fairview deem necessary or desirable for the sale of the Bonds. Pursuant to a Fee Agreement (the "Fee Agreement") between the City and Fairview, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, Fairview will agree to pay the administrative fee of the City with respect to the Bonds; and

Whereas, pursuant to one or more Indenture of Trusts (whether one or more, the "Bond Indenture") to be entered into between the City and Wells Fargo Bank, National Association, as Trustee (the "Bond Trustee"), a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City assigns and pledges all of its right, title and interest in the Loan Agreement (other than the right of the City for indemnification and administrative expenses), the Notes, the Master Indenture and the Supplemental Indenture to the Bond Trustee. In addition, the Bond Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the City and Fairview deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, pursuant to the terms of one or more Escrow Agreements (whether one or more, the "Escrow Agreement"), to be entered into between the City, Fairview and an escrow agent (the "Escrow Agent"), the form of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, a portion of the proceeds of the Bonds will be deposited with the Escrow

Agent and applied, with other available funds of Fairview and any funds held by the trustee of the Refunded Bonds, for the purpose of defeasing the Refunded Bonds; and

Whereas, the Bonds will be special limited obligations of the City payable solely from amounts payable by Fairview under the Notes, other than to the extent payable from the proceeds of the Bonds. The Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City except the Notes. The Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be purchased from the City by Citigroup Global Markets Inc., RBC Dain Rauscher Inc. or such other investment banking firm selected by Fairview, either acting jointly or separately with respect to a series of Bonds (the original purchaser or purchasers of any series of Bonds is herein called the "Underwriter") pursuant to one or more Purchase Contracts (whether one or more, the "Bond Purchase Agreement") between the City, Fairview and the Underwriter of the bonds to which such Bond Purchase Agreement relates, a copy of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, a draft of an Official Statement, related to the Bonds, has been presented to the Council at this meeting and has been reviewed to the extent deemed necessary. The Official Statement will be distributed by the Underwriter to potential purchasers of the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in order to provide for the financing of the Project and the refunding of the Refunded Bonds, the City hereby authorizes the issuance of the Bonds as revenue bonds under the Act in one or more series, in the aggregate principal amount of up to \$490,000,000 (exclusive of any portion representing original issue discount). The City Finance Officer is hereby authorized to approve the purchase price of the Bonds, provided that the purchase price equals or exceeds 98% of the principal amount of the Bonds less any portion of such principal amount which represents original issue discount; the aggregate principal amount of the Bonds, provided that such principal amount is not in excess of \$490,000,000 (exclusive of any portion representing original issue discount); the maturity schedule of the Bonds, provided that the Bonds mature at any time or times in such amount or amounts not exceeding 30 years from the date of issuance thereof; the provisions for prepayment and redemption of the Bonds prior to their stated maturity; and the initial interest rates for any series of Bonds, provided that no initial interest rate exceeds 6.00% per annum. Such approval shall be conclusively evidenced by the execution of the Bond Purchase Agreement as provided herein by the City Finance Officer. The issuance of the Bonds is subject to the approval by the Minnesota Department of Employment and Economic Development as required by the Act.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signatures of the City Finance Officer. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. The Bond Trustee is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any officer who shall have signed any of the Bonds shall cease to be such officer of the City before the Bonds so signed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person who signed or sealed such Bonds had not ceased to be such officer of the City.

Be It Further Resolved that the Bond Indenture, the Loan Agreement, the Fee Agreement and the Escrow Agreement are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form submitted to this meeting, and the City Finance Officer is hereby authorized and directed to execute, acknowledge and deliver the Bond Indenture, the Loan Agreement, the Fee Agreement and the Escrow Agreement on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Bond Indenture, Loan Agreement, the Fee Agreement or the Escrow Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Bond Indenture, the Loan Agreement, the Fee Agreement and the Escrow Agreement.

Be It Further Resolved that the City hereby consents to the distribution by the Underwriter to potential purchasers of the Bonds of a Preliminary Official Statement in substantially the form of the Official Statement submitted to the Council at this meeting if it is determined by the Underwriter and the Corporation to be necessary to distribute a Preliminary Official Statement to potential purchasers of the Bonds, and consents to the distribution by the Underwriter of the Official Statement by the Underwriter to potential purchasers or purchasers of the Bonds in substantially the form submitted to the counsel at this meeting. The City has not and will not participate in the preparation of the Preliminary Official Statement or Official Statement and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.

Be It Further Resolved that the Bond Purchase Agreement is hereby made a part of this Resolution as fully as though set forth in full herein and is hereby approved in the form submitted to this meeting and, upon the determination of the terms of the Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement by Fairview and the Underwriter, the City Finance Officer is hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the City Finance Officer, such approval to be evidenced conclusively by his execution of the Bond Purchase Agreement.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indenture, the Loan Agreement, the Fee Agreement, the Escrow Agreement or the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Bonds, the acting Mayor, Assistant City Clerk, Assistant Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement.

Be It Further Resolved that the bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Approved by Mayor Rybak 4/15/05.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$2.1 million Bank Qualified Bank Direct 501 (c) (3) Revenue Bonds for Hope Community, Inc. (HCI), Series 2005, to refund existing financing and make renovations on the property at 1829 5th Av S.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Resolution 2005R-179, giving preliminary and final approval to the issuance of up to \$2.1 million Bank Qualified Bank Direct 501 (c) (3) Revenue Bonds for Hope Community, Inc., was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-179**

**By Goodman**

**Giving preliminary and final approval to and authorizing a project on behalf of Hope Community, Inc. (the "Company"), and authorizing the issuance of a revenue note of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue note in the amount of up to \$2,100,000 (the "Note") to (i) refinance two duplexes owned by the Company and located at 1900 Portland Avenue South and 616-618 E. 22nd Street in the City; (ii) refinance loans incurred to acquire unimproved property to be used for housing purposes located at 1914 Portland Avenue South and on the Northeast and Northwest corners of the intersection of Portland Avenue South and East Franklin Avenue in the City; and (iii) refinance and substantially renovate a 25-unit apartment building located at 1829 Fifth Avenue South in the City (collectively, the "Project"); and

Whereas, the Agency expects to give final approval to the issuance of the Note by a resolution to be adopted on the date hereof; and

Whereas, the Note shall bear interest at an initial interest rate not to exceed five and one-half percent (5.50%) per annum, shall have a final maturity date not later than December 1, 2026, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Note in the principal amount of up to \$2,100,000 for the purpose of financing and refinancing the Project.

That the Note is hereby designated as a "Program Bond" and is determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee, having under consideration the Pokegama housing proposal for 2111 14th Av S and a request from the project developer, the American Indian Community Development Corporation (AICDC) for funding assistance, now recommends approval of \$30,000 of Non Profit Housing Development Assistance Funds to AICDC and authorization for the proper City officers to execute documents required for the provision of said funds.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee, having under consideration a proposal by Brakins Homes to receive Lot Reduction Program funds for development of a home at 2931 Dupont Av N that was denied by the Minneapolis Community Development Agency (MCDA) Board of Commissioners on June 24, 2003, now recommends that said denial be rescinded and authorization granted to pay \$15,000 to Brakins Homes for said project, funded through the Perpetual Affordability Pilot Program.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution approving funding recommendations for the Workforce Ownership Housing Development Program.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

Resolution 2005R-180, approving funding recommendations for the Workforce Ownership Housing Development Program, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-180**  
**By Goodman**

**Approving funding recommendations for the Workforce Ownership Housing Development Program**

Resolved by The City Council of The City of Minneapolis:

That the following projects receive Workforce Ownership Housing Development Program funding (up to the amounts indicated) for a total funding commitment of \$1,130,000:

1) Up to \$250,000 for construction and affordability gap to the Nicollet Commons condominium project located at 3310-14 Nicollet Ave S by 3310 Nicollet LLC, a wholly owned subsidiary of Prima Land, Inc.;

2) Up to \$440,000 for construction and affordability gap to the Greenway at Midtown condominium project located at 2900 11<sup>th</sup> Ave S by Project for Pride in Living;

3) Up to \$240,000 for construction gap to the Village in Phillips townhome project located at the corner of 24<sup>th</sup> and Bloomington Ave S by Powderhorn Residents Group;

4) Up to \$160,000 for affordability gap to the Cedar Avenue condominium project located at 2730 Cedar Ave S by Urban Homeworks;

5) Up to \$40,000 for construction and affordability gap to the Marshall Stacey townhome project located at 300 Queen Avenue North by Central Community Housing Trust;

Your Committee further recommends that the proper City officers be authorized to enter into related contractual agreements for said funds.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Whittier Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan (as included in Petn No 270331) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$2,466,466;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$2,436,466, to the NRP fund for implementation of the Whittier Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 4/15/05.

Absent - Zerby, Niziolek.



**RESOLUTION 2005R-181**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$2,436,466.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Fulton Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan (as included in Petn No 270331) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$387,299;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$373,299, to the NRP fund for implementation of the Fulton Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**RESOLUTION 2005R-182**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$373,299.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the award of Neighborhood Revitalization Program (NRP) Affordable Housing Reserve Funds to eleven projects and a request for appropriation of funds for said awards, now recommends:

1) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$3,297,770, for the NRP's Affordable Housing Fund's final commitment; and

2) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said funding awards.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**RESOLUTION 2005R-183**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation

for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$3,297,770.

Adopted 4/15/05.

Absent - Zerby, Niziolek.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a proposed Term Sheet for the Operation, Booking and Disposition of the Orpheum, State and Pantages Theatres (as included in Petn No 270330) and having received a recommendation from the Community Planning and Economic Development (CPED) Department that the proper City officers be authorized to negotiate and execute a Lease for said theatre facilities with Hennepin Theatre Trust (HTT) and the Operation and Booking by HTT, Historic Theatre Group (HTG), Ltd. and Clear Channel Entertainment (CCE) and related documents consistent with the proposed Term Sheet, now recommends:

**Comm Dev** - Approval.

**W&M/Budget** - That the matter be **sent forward without recommendation**.

Goodman moved that the report be amended to approve the Community Development Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Zerby, Niziolek.

Zimmermann moved to amend the report, as amended, to indicate that the Term Sheet for Lease, Operation, Booking, and Disposition of the Orpheum, State, and Pantages Theatres is amended as follows:

**"8. Additional Requirements Under the Lease**

**b. Performance standards**

v) The parties will give full support to freedom of political and artistic expression and will assure that no artist, musician, or performance artist will be excluded from utilizing the Theatres on the basis of race, religion, sex, sexual orientation, or political views." Seconded.

Schiff moved to call the question on Zimmermann's motion. Seconded.

Adopted upon a voice vote.

Absent - Zerby, Niziolek.

Zimmermann's motion lost upon a voice vote.

Absent - Zerby, Niziolek.

Colvin Roy moved to direct staff to negotiate into the contract a commitment to freedom of political and artistic expression in renting of the theatres. Seconded.

Zimmermann moved to call the question on. Seconded

Adopted upon a voice vote.

Absent - Zerby, Niziolek.

Colvin Roy's motion was adopted upon a voice vote.

Absent - Zerby, Niziolek.

The report, as amended, was adopted 4/15/05. Yeas, 9; Nays, 2 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff.

Nays - Zimmermann, Ostrow.

Absent - Zerby, Niziolek.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** - Your Committee recommends that Mayor Rybak be authorized to sign the Program Year (PY) 2005/2006 Local Plan for the Workforce Investment Act (WIA), for the period July 1, 2005 through June 30, 2006. The plan describes the operation of the WIA programs for adults and dislocated workers.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**H&HS** - Your Committee, having under consideration the "Close the Gap" Program to provide job opportunities to residents of North Minneapolis, now recommends that the proper City Officers be

authorized to execute a contract with Northway Community Trust to accept \$300,000 during the period May 1, 2005 through June 30, 2007. Said funds will also support gathering data to evaluate the success of the Program, including specific outcome measures, and other activities as agreed upon, consistent with the Grantor's goal to reduce poverty and increase economic opportunities for residents of the Northside of Minneapolis.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**H&HS & W&M/Budget** - Your Committee, having accepted funds from the Minnesota Partnership for Action Against Tobacco to conduct Smoke Free Policy Surveillance related to the City's indoor smoking ordinance, now recommends passage of the accompanying Resolution transferring \$10,000 from the Department of Health & Family Support to the Department of Regulatory Services, Environmental Management and Safety Division, to educate business establishments in Minneapolis about the new ordinance and the consequences of noncompliance.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**RESOLUTION 2005R-184**  
**By Johnson Lee and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8618) by \$10,000.

b. increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8396) by \$10,000.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, clarifying the distinctions between an establishment operating as a restaurant, and an establishment operating as a nightclub, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

Ordinance 2005-Or-024 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, amending Sections 362.30, 362.390, and 362.395 to clarify the distinctions between an establishment operating as a restaurant, and an establishment operating as a nightclub, was passed 4/15/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-024**  
**By Niziolek**  
**Intro & 1st Reading: 1/14/05**  
**Ref to: PS&RS**  
**2nd Reading: 4/15/05**

**Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 362.30 of the above-entitled ordinance be amended to read as follows:

**362.30. "On Sale" licenses.** (a) *[Maximum number; classes]*. "On sale" licenses may be issued only to hotels, clubs, restaurants and establishments for the sale of "on sale" liquor exclusively.

(b) *Class A.* A Class A "on sale" liquor license shall permit all Class B, C, D and E activities, and in addition thereto shall permit dancing and entertainment, provided that the dance floor area shall not exceed two thousand (2,000) square feet.

This entertainment shall include stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, including patron participation in any of the aforementioned, and all other forms of entertainment carried on in conformity with the law.

(c) *Class B.* A Class B "on sale" liquor license shall permit all Class C, D, and E activities, and in addition thereto shall permit live music and singing without limitation as to the number of musicians or singers or the type of amplification. Dancing and singing by patrons of the establishment and the use of the services of a disc jockey are permitted. Stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, and patron participation in any of the aforementioned, are prohibited.

(d) *Class C.* Class C licenses shall be comprised of Class C-1 and Class C-2. A Class C-1 "on sale" liquor license shall permit all Class D and E activities and in addition shall permit amplified or nonamplified music by five (5) or fewer musicians and group singing participated in by patrons of the establishment. A Class C-2 "on sale" liquor license shall permit all Class D and E activities, and in addition thereto shall permit amplified or nonamplified music by three (3) or fewer musicians and group singing participated in by patrons of the establishment.

(e) *Class D.* A Class D "on sale" liquor license shall permit all Class E activities, and in addition thereto shall permit nonamplified music by one musician, group singing participated in by patrons of the establishment, and ethnic dance, provided that such dance shall be performed only in conjunction with full-service restaurant dining for patrons seated at tables. "Ethnic dance" shall mean a traditional and authentic dance performance native to an ethnic cultural group, performed by dancers attired with fully opaque covering over genitals, pubic area, buttocks, and female breasts below the top of the areola. The maximum number of ethnic dancers shall be the same as the maximum number of musicians permitted by each license class.

(f) *Class E.* A Class E "on sale" liquor license shall permit the "on sale" of liquor and "on sale" of three and two-tenths (3.2) beer and in addition thereto shall permit, as defined and when carried on in conformity with the ordinances of the city, the sale of food as a restaurant, and the use of radio, television, taped electronically reproduced music, karaoke and jukebox. All other devices producing musical sound or the use of a disc jockey are prohibited. No live entertainment or dancing shall be allowed.

(g) *[Expanded premises.]* Permission to expand a licensed premises may allow, in the expanded area, those activities and privileges of a class lesser than or equal to the class of license held for the main premises. The license fee shall be the fee prescribed for the highest class of license held by the premises, and shall not be prorated.

Section 2. That Section 362.390 of the above-entitled ordinance be amended to read as follows:

**362.390. "On sale" licenses outside former patrol limits.** (a) "On sale" licenses shall be issued for any premises outside the liquor patrol limits existing on January 1, 1975, only to restaurants, hotels, and clubs which qualify under the definitions for such establishments contained in section 360.10 of this

Code of Ordinances, and which comply with Minneapolis City Charter, Chapter 4, Section 5 (first) and the additional restaurant requirements in subsection (b).

(b) As used in this section, "restaurant" shall mean an establishment:

- (1) Which is under the control of a single proprietor or manager.
- (2) Which has suitable kitchen facilities including a stove, refrigerator, work table, dishwashing and utensil-washing sink with sanitizing heater.
- (3) Which has facilities for seating not fewer than fifty (50) guests at one time at tables.
- (4) Which employs an adequate staff to provide the usual and suitable table service to its guests.
- (5) Where, in consideration of payment of money, meals are regularly served at tables to the general public.
- (6) Where the meal service consists of no less than four (4) entrees, complete with vegetable, salad, bread or rolls, or sandwiches or other principal food items as approved by the director of licenses and consumer services, and a choice of non-alcoholic beverages. Prepackaged complete meals shall not be included in the enumerated main entrees.
- (7) Where such meal service is provided through the normal ~~noon and evening meal~~ operating hours.
- (8) In which the equipment and premises meet the provisions of all food and health codes.

(c) The business records of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city or of the city council, at all reasonable times.

Section 3. That Section 362.395 of the above-entitled ordinance be amended to read as follows:

**362.395. "On sale" licenses in proximity to residentially zoned property.** (a) After October 14, 1983, "on sale" licenses for new premises, in which the main entrance is within five hundred (500) feet from residentially zoned property, shall be issued only for premises which qualify as a "restaurant" under subsection 362.390(b) and which comply with the following requirements:

- (1) The establishment shall maintain, on a monthly basis, gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than sixty (60) per cent of its total gross revenue from the sale of food and beverages.
- (2) No such premises shall contain a "bar area" except as permitted herein. A "bar area" shall mean any area not devoted exclusively to full restaurant service to customers seated at tables, in which consumption of alcoholic beverages is ~~the primary~~ a substantial activity, except an area predominantly used as a holding area for customers waiting for restaurant seating. The size and capacity of such an area must bear a relationship to the size and capacity of the restaurant area which is consistent with its purpose as a waiting area. A waiting area of excessive size shall not be approved.

(b) The business records of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city or of the city council at all reasonable times.

(c) In the event the city disputes the license applicant's statements, the matter shall be submitted to a neutral certified public accountant determined by the city. The certified public accountant shall make a determination based on accepted accounting principles, which shall be binding on both parties. The license applicant shall make any records available to such person as may be necessary to verify the statements. The entire cost of such audit and determination shall be paid by the applicant. Prior to such audit, the applicant shall post a bond or cash in an amount which the city believes reasonably necessary to pay the cost of the audit.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee, having under consideration the application of Society Void Inc, dba Duplex, 2516 Hennepin Av, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee, having under consideration the application of Walker Art Center, dba Walker Art Center, 1750 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (new manager) to expire April 1, 2006, now recommends that said license be granted, subject to Police Licenses completing its review of the liquor application, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Bombay Food & Grocery, 1848 Central Av NE, for a Grocery License, subject to conditions.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

Resolution 2005R-185, granting the application of Bombay Food & Grocery, 1848 Central Av NE, for a Grocery License, subject to conditions, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-185**

**By Niziolek**

**Granting the application of Bombay Food & Grocery, 1848 Central Av NE, for a Grocery License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Mehra Uppal Enterprise Inc, dba Bombay Food & Grocery, 1848 Central Av NE, for a Grocery License (new proprietor) to expire April 1, 2006, subject to the following conditions:

- a. the licensee is only allowed to sell pre-packaged grocery products.
- b. prior to opening, the bathroom hand sink must have a towel and soap dispenser.
- c. prior to opening, all unnecessary articles must be removed from the basement.

Be It Further Resolved that the following conditions must be completed prior to the selling of open foods, such as sweets and dry product mixtures called Bhel Puri:

d. the licensee must submit a plan to Environmental Health Plan Review and have it approved prior to any construction. This includes the installation of the mop sink (by April 15, 2005), any other plumbing, or any other modifications of the facility. After construction, a final inspection by Environmental Health is required before the area may be used.

e. the licensee must obtain a test kit to monitor sanitizer strength for ware washing.

f. plumbing permits must be pulled for all plumbing work to be completed.

g. the licensee shall provide Environmental Health with a list of all items that are planned to be sold in the open food area.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Five Restaurant and Street Lounge, 2917 Bryant Av S, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

Resolution 2005R-186, granting the application of Five Restaurant and Street Lounge, 2917 Bryant Av S, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-186**  
**By Niziolek**

**Granting the application of Five Restaurant and Street Lounge, 2917 Bryant Av S, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Five Restaurant and Street Lounge LLC, dba Five Restaurant and Street Lounge, 2917 Bryant Av S, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2005, subject to the following conditions:

a. the licensee, or its manager, will not alter the approved business plan or floor plan without prior approval from the Licenses & Consumer Services Division.

b. the licensee will maintain additional and exclusive 60/40% sales requirements during the hours of 11:00 p.m. to 1:00 a.m. The licensee must also meet the 60/40% sales requirement during the earlier business hours. These reports will be submitted to the Licenses & Consumer Services Division for a period of four months. If compliance is met, this additional requirement will be terminated after the four-month period, and the entire establishment must comply with 60/40%.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

Resolution 2005R-187, granting applications for Liquor, Wine and Beer Licenses, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-187**  
**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2006**

Cajun Creole Creations of Minneapolis LLC, dba Copeland's of New Orleans, 2 S 7th St (new manager);

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2005**

Buca (Minneapolis) Inc, dba Buca Di Beppo, 11 S 12th St (change in ownership from Buca Restaurants 2 Inc);

**Temporary On-Sale Liquor**

St. Anthony East Neighborhood, dba St. Anthony East Neighborhood, 909 Main St NE (March 26, 2005, 7:00 p.m. to Midnight at 222 Event Center, 222 1st Av NE; Licensed Facilitator: Spring Street Bar & Grill);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2006**

Old China Buffet Inc, dba Old China Buffet, 1015 W Lake St (upgrade from On-Sale Beer Class E);

**Temporary On-Sale Wine**

City of Lakes Waldorf School, dba Adult School Community Social, 2344 Nicollet Av S (April 9, 2005, 7:00 p.m. to 11:30 p.m. at School Gymnasium);

**Off-Sale Beer, to expire April 1, 2006**

Adel Taweeleh, dba Sam's Market & Meat, 1532 E 35th St (new business);

**Temporary On-Sale Beer**

Lake Superior Water Trail Association, dba Outdoor Adventure Expo, 309 Cedar Av S (April 21, 2005, 5:00 p.m. to 9:00 p.m.; April 22, 2005, 4:00 p.m. to 9:00 p.m.; April 23, 2005, 9:00 a.m. to 6:00 p.m.; and April 24, 2005, 11:00 a.m. to 5:00 p.m.);

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (May 14, 2005, 6:30 p.m. to Midnight).

Adopted 4/15/05.

Declining to vote - Benson.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

Resolution 2005R-188, granting applications for Business Licenses, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-188**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 15, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270337):

Amusement Devices; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Flower Cart Vender; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Farm Produce Permit Nonprofit; Grocery; Ice Peddler; Ice Producer - Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Milk Distributor; Restaurant; Food Shelf; Short-Term Food Permit; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Gasfitter Class A; Municipal Market; Plumber; Public Market; Refrigeration Systems Installer; Residential



Specialty Contractor; Sign Hanger; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Service Company; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class A.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

Resolution 2005R-189, granting applications for Gambling Licenses, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-189**  
**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Lawful Exempt**

Epilepsy Foundation of Minnesota, dba Epilepsy Foundation of Minnesota, 1600 University Av W, St. Paul (Raffle April 22, 2005 at International Market Square, 275 Market St);

AIDS Care Partners, dba AIDS Care Partners, 4457 3rd Av S (Bingo & Raffle May 14, 2005 at Incarnation Catholic Church, 3800 Pleasant Av S);

Open Arms of Minnesota Inc, dba Open Arms of Minnesota, 1414 E Franklin Av (Raffle May 19, 2005 at Walker Art Center, 1750 Hennepin Av).

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances, eliminating the reference to "special" permits for fumigating and liquid waste haulers, now recommends that said ordinances be given their second reading for amendment and passage:

a. Title 3, Chapter 51 relating to *Air Pollution and Environmental Protection: Fumigating*, amending Section 51.130 relating to *Exceptions*;

b. Title 11, Chapter 225 relating to *Health and Sanitation: Garbage and Refuse, Article III Liquid Waste Haulers*, amending Section 225.490 relating to *Hours*.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

Ordinance 2005-Or-025 amending Title 3, Chapter 51 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Fumigating*, amending Section 51.130 entitled *Exceptions* to eliminate the reference to "special" permit, was passed 4/15/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-025**  
**By Ostrow and Niziolek**  
**Intro & 1st Reading: 10/25/02**  
**Ref to: PS&RS**  
**2nd Reading: 4/15/05**

**Amending Title 3, Chapter 51 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Fumigating.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 51.130(a) of the above-entitled ordinance be amended to read as follows:

**51.130. Exceptions.** (a) This article shall not apply to special rooms, vaults or tanks used for fumigation.

- (1) All rooms, vaults or tanks used for fumigating articles must be approved by the health commissioner as to construction, location and ventilation. They must be kept in proper operating condition at all times.
- (2) Any person, firm, corporation or institution operating such a room, tank or vault and not a holder of a fumigator permit must apply for and obtain a ~~special~~ permit for such operation only. The fee for this ~~special~~ permit shall be ninety-five dollars (\$95.00) for one calendar year beginning January first of each year and shall be renewable before December thirty-first of each year.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

Ordinance 2005-Or-026 amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Garbage and Refuse, Article III Liquid Waste Haulers*, amending Section 225.490 entitled *Hours* to eliminate the reference to "special" permit, was passed 4/15/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-026**  
**By Ostrow and Niziolek**  
**Intro & 1st Reading: 10/25/02**  
**Ref to: PS&RS**  
**2nd Reading: 4/15/05**

**Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse, Article III Liquid Waste Haulers.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 225.490 of the above-entitled ordinance be amended to read as follows:

**225.490. Hours.** No person shall perform any liquid waste hauling service by means of either carts or tanks between the hours of midnight on Saturday and midnight on Sunday; and no person shall remove the contents of any vault or cesspool by means of carts between the hours of 5:00 a.m. and 10:00 p.m. on each weekday without a ~~special~~ permit ~~so~~ to do so.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**PS&RS** - Your Committee, having under consideration the property located at 3045 2nd Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning

of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to acquire the property through the use of eminent domain, if necessary, legally described as Lot 13, Block 1, Baker's 2nd Addition to Minneapolis (PID #03-028-24-12-0014).

Lilligren moved that the report be postponed to the April 29, 2005 meeting. Seconded.

Adopted upon a voice vote 4/15/05.

Absent - Niziolek, Zerby.

**PS&RS** - Your Committee, having under consideration the properties located at 3936 and 3938 4th Av S which have been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said properties legally described as Lot 3, Block 2, Baker's 5th Addition to Minneapolis (PID #10-028-24-11-0223), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Lilligren moved that the report be postponed to the April 29, 2005 meeting. Seconded.

Adopted upon a voice vote 4/15/05.

Absent - Niziolek, Zerby.

**PS&RS** - Your Committee, having under consideration the property located at 1709 25th Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 7, Block 8, Forest Heights Addition to Minneapolis (PID #16-029-24-21-0194), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Further, that said demolition be stayed until June 1, 2005 upon the condition that the property is moved forward for sale.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$45,580 from the Federal Emergency Management Agency (FEMA) for Fire Department efforts in the 2004 Emergency Management Performance Grant. Further, passage of the accompanying Resolution appropriating \$45,580 to the Fire Department.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**RESOLUTION 2005R-190**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$45,580 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$45,580.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety to receive up to

\$25,000 annually to enforce the MnPass I-394 High Occupancy Toll lane rules and regulations, which will be reimbursement for overtime details by Police Traffic Unit officers. Further, passage of the accompanying Resolution appropriating \$25,000 to the Police Department.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**RESOLUTION 2005R-191**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT13) by \$25,000 and increasing the Revenue Source (060-400-DT13 - Source 3215) by \$25,000.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$10,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs Coverdell Forensic Grant Project, for equipment and training to improve the operation of the Police Department Crime Lab. Further, passage of the accompanying Resolution appropriating \$10,000 to the Police Department.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**RESOLUTION 2005R-192**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B303) by \$10,000 and increasing the Revenue Source (030-400-B303 - Source 3210) by \$10,000.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution accepting bids for projects and/or services for the City of Minneapolis — bridge macroscope for the Police Department; tree removal and disposal; rubbish and refuse removal; weed cutting and related services; and securing open and vacant buildings.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

Resolution 2005R-193, accepting bids for projects and/or services for the City of Minneapolis — bridge macroscope for the Police Department, tree removal and disposal; rubbish and refuse removal; weed cutting and related services; and securing open and vacant buildings, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-193**  
**By Niziolek and Johnson**

**Accepting bids for projects and/or services for the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the following bids be accepted, and that the proper City Officers be authorized to execute contracts for said projects and/or services, all in accordance with City specifications, and contingent upon approval by the Department of Civil Rights (Petn No 270341):

a. OP #6415, only bid submitted by North Central Instruments, in the amount of \$69,406, for furnishing and delivering a Leica FSC Comparison Bridge Macroscope for the Police Department.

b. OP #6401, low bid submitted by Jason Mattsen, Inc, for an estimated two-year expenditure of \$250,000, for removal and disposal of hazardous and/or fallen trees and branches at various locations as directed through December 31, 2006. Vendor offers to extend for the year 2007 at the sole option of the City.

c. OP #6400, low bid submitted by Trades Unlimited, for an estimated two-year expenditure of \$300,000, for furnishing and delivering all labor, materials, equipment, disposal fees and incidentals necessary to accomplish rubbish and refuse removal from public and private property at various locations as directed through December 31, 2006.

d. OP #6385, low bid submitted by Over the Top, Inc, for an estimated annual expenditure of \$90,000, for furnishing and delivering all labor, materials, equipment and incidentals necessary for weed cutting and related services at various locations as directed through December 31, 2006. Prices to remain firm for contract period.

e. OP #6375, low bid submitted by CastreJon, Inc, for an estimated annual expenditure of \$85,000, for furnishing and delivering all labor and materials to secure open and vacant buildings at various locations as directed through December 31, 2005. Vendor offers to extend the terms and conditions for two additional one-year periods at the sole option of the City.

Adopted 4/15/05.

Absent - Niziolek, Goodman, Zerby.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee recommends passage of the accompanying Resolution designating the location, streets, and improvements proposed to be made in the Glenwood Avenue Street Lighting Project, Special Improvement of Existing Street No. 2257.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Resolution 2005R-194, designating the improvement of Glenwood Av N from approximately the west row line of W Lyndale Av N to the east row line of Thomas Av N, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-194**  
**By Colvin Roy**

**Glenwood Avenue Street Lighting Project**  
**Special Improvement of Existing Street No 2257**

**Designating the improvement of certain existing streets at the location described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental streetlights together with all necessary appurtenances and work related thereto:

Glenwood Avenue North from approximately the west ROW line of West Lyndale Avenue North to the east ROW line of Thomas Ave North.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW** - Your Committee, having received a cost estimate of \$697,000 for street lighting improvements and the list of benefited properties for the Glenwood Avenue North Street Lighting Project, Special Improvement of Existing Street No. 2257, as designated by Resolution 2005R-194 passed April 15, 2005, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$269,910 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that a public hearing be held on May 17, 2005 to consider approving the construction of the above designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW** - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District 1316 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Glenwood Avenue North from West Lyndale to Thomas Avenue North (streets to receive lighting are as designated in the Glenwood Avenue North Street Lighting Project, Special Improvement of Existing Street No. 2257).

A summary of the facts relative to this assessment follows:

Number of assessable parcels in said district: 242

Total assessable frontage in feet: 12000

Annual cost per foot: \$0.35

Your Committee recommends that if there should be an increase in the cost of street lighting in the future that the increased cost be reflected in the assessment.

Your Committee further recommends that a public hearing be held on May 17, 2005, to consider the establishment of said proposed Street Lighting District No. 1316.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Como Avenue SE Reconstruction, Project No. 6695, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments, in the total amount of \$431,505.07; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis assessment bonds in the amount of \$431,500.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/05.

(Published 4/19/05)

Resolution 2005R-195, ordering the work to proceed and adopting the special assessments for the Como Av SE street reconstruction project, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-195**  
**By Colvin Roy and Johnson**

**Como Avenue SE Street Reconstruction, Project No 6695**

**Ordering the work to proceed and adopting the special assessments for the Como Avenue SE Street Reconstruction Project.**

Whereas, a public hearing was held on April 5, 2005, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-085, passed February 11, 2005 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-085, passed February 11, 2005.

Be it Further Resolved that the proposed special assessments in the total amount of \$431,505.07 for the Como Avenue SE Street Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Como Avenue SE Street Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2006 real estate tax statements.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/05.

Resolution 2005R-196, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$431,500 for the assessed cost of street improvements in the Como Av SE street reconstruction project, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-196**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$431,500 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Como Avenue SE Street Reconstruction, Project No 6695, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Como Avenue SE Reconstruction, Project No. 6695, and having been informed of parking restrictions that are called for in the approved layout for the project, and as required by Minnesota State Aid requirements, now recommends passage of the accompanying Ordinance establishing said parking changes.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/05.

(Published 4/19/05)

Ordinance 2005-Or-027, establishing a no parking zone on the northerly side of Como Av between 23rd & 33rd Avenues SE, was passed 4/15/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-027**  
**By Colvin Roy and Johnson**  
**1st & 2nd Reading: 4/15/05**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing.***

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding thereto the following No Parking zone:

No. 6961 - Northerly side of Como Avenue Southeast between 23rd Avenue Southeast and 33rd Avenue Southeast (No Parking Anytime).

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the 2005 - 2006 Grant Agreements for the Downtown Transportation Management Organization (TMO), now recommends that the proper City officers be authorized to:

a) Sign and execute the Metropolitan Council Pass Through Grant Agreement No. 05I004 between the Metropolitan Council and the City of Minneapolis to provide up to \$585,000 in federal grant funding for Transportation Demand Management projects in effect January 1, 2005 through December 31, 2006; and

b) Sign and execute an agreement with the Downtown Minneapolis TMO to perform specific work efforts, as outlined in and in accordance with Met Council Contract No. 05I004.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue in the PW-Transportation Capital Agency in the Grants-Federal Fund by \$585,000.

Adopted 4/15/05.

Absent - Niziolek, Zerby.



**RESOLUTION 2005R-197**  
**By Colvin Roy and Johnson**

**Amending The 2005 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation Capital Agency in the Grants-Federal Fund (0300-943-9462) and increasing the revenue source (0300-943-9462-Source 3215) by \$585,000.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW & W&M/Budget** - Your Committee, having under consideration an amendment to the Management Agreement with Municipal Parking, Inc. (City Contract #016375), for the operation of the Minneapolis Off-Street Parking System, as set forth in Petn No. 270346, now recommends that the proper City officers be authorized to execute an amendment to the agreement to reflect revisions to the contract terms resulting in a total known reduction in expenses of \$342,163 for the period beginning October 1, 2004 through March 31, 2006.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lake Street East Reconstruction, (City Project No. 6707, County Project No. 9758), now recommends:

a) Amending the roadway layout by increasing the sidewalk widths between Chicago Av S and Elliot Av S;

b) Approval of a State of Minnesota Agency Agreement between the City of Minneapolis, Hennepin County, and the Minnesota Department of Transportation (MnDOT Agreement No. 87717) for Federal Participation in Force Account and Advance Construction, pending satisfactory review by the Department of Public Works and the City Attorney's Office; and

c) Approval of Amendment No. 1, in the amount of \$132,357.32, to the City/County Cooperative Agreement for Professional Services (City Contract No. C-018312, County Agreement No. 51-20-01), pending satisfactory review by the City Attorney's Office.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/05.

(Published 4/19/05)

**T&PW & W&M/Budget** - Your Committee, having under consideration the Chicago Avenue Bridge Project, for which a grant in the amount of \$237,875.66 in State Bridge Bonds has been applied for, now recommends passage of the accompanying Resolution requesting that the City of Minneapolis fund in excess of the State Bridge Bonds grant, as required by the Minnesota Department of Transportation. Excess authorized State Bridge Bonds will be returned to the State.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Resolution 2005R-198, requesting the City of Minneapolis to fund in excess of State Bridge Bonds for the Chicago Av Bridge Project, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-198**  
**By Colvin Roy and Johnson**

**Requesting the City of Minneapolis to fund in excess of State Bridge Bonds for the Chicago Avenue Bridge Project.**

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis fund the Chicago Avenue Bridge Project in excess of the \$237,875.66 received from State Bridge Bonds (Fund 29).

Be it further resolved, that any excess authorized State Bridge Bonds will be returned to the State.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Loring Bikeway Construction (Phase II), now recommends passage of the accompanying Resolution amending the 2005 Capital Improvement Appropriation Resolution as follows:

- Increasing the appropriation and revenue in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund by \$215,710, due to an inflationary increase;
- Increasing the appropriation and revenue in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund by \$1,315,710, to be reimbursed by federal funds at a later date; and
- Decreasing the appropriation and revenue for the Camden Ave Bridge Project, which has been eliminated from the capital program, in the PW-Transportation Capital Agency in the Permanent Improvement Projects fund by \$1,315,710.

Your Committee further recommends that the proper City officers be authorized to execute an Advance Construction Agreement with the Minnesota Department of Transportation (Petn No. 270345), to allow construction of the bikeway prior to the appropriation of Federal funds.

Your Committee further recommends that the Minnesota Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept federal aid funds which may be made available for eligible transportation-related projects.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**RESOLUTION 2005R-199**  
**By Colvin Roy and Johnson**

**Amending The 2005 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a) By increasing the appropriation in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9470-A7014) and revenue source (4100-943-9470-Source 3210, Federal Funds) by \$215,710;
- b) By increasing the appropriation in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9470-A7014) and revenue source (4100-943-9470-Source 3215, MSA Funds) by \$1,315,710; and
- c) By decreasing the appropriation for the Camden Ave Bridge Project in the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-937-9386-BR109) and revenue source (4100-937-9386-Source 3215, MSA funds) by \$1,315,710.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petr No 270345).

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Resolution 2005R-200, granting approval for the bids of a) Bituminous Roadways, Inc and Midwest Asphalt corporation to furnish bituminous mixtures; and b) J. Fletcher Creamer & son, Inc, for the cleaning and lining of cast iron water mains, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-200**  
**By Colvin Roy and Johnson**

**Granting approval of the bids for projects and/or services for the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 270345)

a) OP #6394, Accept low responsive bids as indicated below to furnish and deliver bituminous mixtures:

- Bituminous Roadways, Inc, for an estimated expenditure of \$984,000; and

- Midwest Asphalt Corporation, for an estimated expenditure of \$863,000; and

b) OP #6403, Accept low bid of J. Fletcher Creamer & Son, Inc, in the amount of \$723,898.25, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the cleaning and lining of cast iron water mains.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 4/15/05. Yeas, 9; Nays, 2 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Lane, Samuels, Johnson, Colvin Roy, Zimmerman, Schiff.

Nays - Goodman, Ostrow.

Absent - Niziolek, Zerby.

Resolution 2005R-201, authorizing settlement of the legal claims of Jeffrey Reiter, Mark Hanson, and Titilayo Bediako, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-201**  
**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

- a) Jeffrey Reiter, by payment of \$11,418.79 to Mr. Jeffrey Reiter;
- b) Mark Hanson, by payment of \$15,000 to Mr. Hanson and his attorney, Albert T. Goins; and
- c) Titilayo Bediako, by payment of \$1,625 to Mr. Titilayo Bediako, and certain non-monetary relief (as outlined in Petn No 270347).

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 4/15/05. Yeas, 9; Nays, 2 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Lane, Samuels, Johnson, Colvin Roy, Zimmerman, Schiff.

Nays - Goodman, Ostrow.

Absent - Niziolek, Zerby.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the City's Defense and Indemnification Policy and Procedure to include volunteers who are members of the City's Community Emergency Response Teams (CERT).

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**W&M/Budget** - Your Committee, having under consideration a request to authorize execution of two non-standard agreements for services not to exceed \$50,000, now recommends that the proper City officers be authorized to execute the following contracts:

- a) Casewise, LTD to accommodate services for the Minneapolis One Call project; and
- b) Loffler Information Technology Services, LLC for maintenance of the Police Department's digital recording system.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the Business Information Services department by \$50,000 for the digital recording system contract.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

#### **RESOLUTION 2005R-202**

**By Johnson**

#### **Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation to the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$50,000 and increasing the revenue source (6400-880-8870 - Source 3455) by \$50,000.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/2005.

(Published 4/19/05)

Resolution 2005R-203, approving construction change orders for contracts related to the New Central Library Project, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-203**

**By Johnson**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order #2 increasing Contract #C-20306 with LeJeune Steel Company by \$66,503.00, for a new contract total of \$1,793,368.00; and

b) Change Order #2 increasing Contract #C-20133 with HKL Cladding Systems, Inc. by \$4,735.00, for a new contract total of \$8,479,369.00.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Approved by Mayor Rybak 4/15/2005.

**W&M/Budget** - Your Committee recommends approval of the utility bill insert in the May 2005 billing announcing the upcoming Minneapolis Mosaic - A Festival of Arts in June.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**W&M/Budget** - Your Committee recommends acceptance of the bid received on OP #6393 from Finance and Commerce for an estimated annual expenditure of \$75,000 to provide all publication of ordinances and proceedings for the City of Minneapolis through December 31, 2006.

It is further recommended that the proper City officers be authorized to execute a contract for said services.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving the terms of a 12-month labor agreement with the AFSCME Local #9, Attorneys Unit, effective January 1, 2005 through December 31, 2005.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Resolution 2005R-204, approving the terms of a 12-month labor agreement with the AFSCME Local #9, Attorneys Unit, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-204**

**By Johnson**

**Approving the terms of a collective bargaining agreement with the AFSCME Local #9, AFL-CIO Attorneys Unit and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the American Federation of State, County and Municipal Employees, District Council #5, Local Union #9, AFL-CIO Attorneys Unit (Petn No 270350), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving the terms of a 30-month labor agreement with the Teamsters Local #320, effective July 1, 2003 through December 31, 2005.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

Resolution 2005R-205, approving the terms of a 30-month labor agreement with the Teamsters Local #320, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-205**

**By Johnson**

**Approving the terms of a collective bargaining agreement with the Teamsters Local #320, Truck Drivers Unit and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and Teamsters Local #320, AFL-CIO Truck Drivers Unit (Petn No 270350), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/15/05.

Absent - Niziolek, Zerby.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** – Your Committee, having under consideration the appeal filed by Bob Sorrell, for Wendy's International, from the decision of the Planning Commission a) denying an application for conditional use permit to allow a fast food restaurant at 325 and 329 E Franklin Ave and 2015 Clinton Ave S; and b) approving the site plan review application with the conditions that there shall be no ladder attached to the building that provides access to the roof and that additional windows (equal to 30 percent) shall be added to the east and west sides of the building, now recommends that said appeal be forwarded without recommendation.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote 4/15/05.

Absent – Niziolek, Zerby.

**Z&P** – Your Committee recommends approval of the following reappointments to the Zoning Board of Adjustment for three year terms, which will expire 12/31/07:

a) John Finlayson, 5005 Zenith Ave S, Minneapolis 55410;

b) David Fields, 719 E 16<sup>th</sup> St, #303, Minneapolis 55404; and

c) Peter Rand, 1728 Humboldt Ave S, Minneapolis 55403.  
Adopted 4/15/05.  
Absent – Niziolek, Zerby.

**Z&P** – Your Committee, to whom was referred back from Council on 3/11/05 the recommendation of the Planning Commission to grant the petition of David O'Brien (BZZ-2109) to rezone the property at 4525 Hiawatha Ave S from I1 to the C2 District to permit a pet store and other retail uses, notwithstanding the staff recommendation, and having held further discussion thereon, now recommends that the rezoning petition be forwarded without recommendation.

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote 4/15/05.

Absent – Niziolek, Zerby.

## RESOLUTIONS

Resolution 2005R-206, establishing next steps for consideration of mixed-use library development on the Walker Library site; rejecting current development proposals; recognizing the need for certain capital repairs on the Walker Library, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2005R-206

By Niziolek

**Establishing next steps for consideration of mixed-use library development on the Walker Library site; rejecting current development proposals; recognizing the need for certain capital repairs on the Walker Library.**

Whereas, the Walker Library Task Force ("Task Force") concludes that a greatly improved Walker Library is necessary to meet the library service needs of the immediate community; and

Whereas, the Walker Library Task Force met on February 23, 2005 to review four development proposals submitted to redevelop the Walker Library as a mixed-use development on the current Walker Library site, and concluded further that additional financial analysis of the proposals was warranted; and

Whereas, subsequent the Department of Community Planning and Economic Development (CPED) staff analysis concluded that none of the four development proposals is likely to be financially feasible; and

Whereas, the Task Force acknowledged the importance of a comprehensive community engagement to inform the scope of a potential mixed-use Walker Library Project, particularly regarding design issues related to the Walker Library site redevelopment, as well as additional information pertaining to proposed developments in the vicinity of Walker Library; and

Whereas, the Task Force acknowledges that the Walker Library parking deck is in need of structural repair; and

Whereas, the Library Board has approved a Community Library Capital Projects (CLPC) schedule for all community libraries, with Walker Library improvements planning to begin in 2008;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Walker Library Task Force hereby recommends rejection of all development proposals received under the Walker Library RFP dated 1 February 2005.

Be It Further Resolved that the Library Board determine the best way to mitigate the structural damage in light of the consensus expressed for a greatly improved Walker Library.

Be It Further Resolved that the Library Board might consider revisiting the CLCP schedule, moving the Walker Library Capital Project up.

Be It Further Resolved that, when the Library Board commences the Walker Library Capital Project design process, the Library Board and City Council jointly begin to pursue the development of a greatly improved, financially feasible Walker Library, and during the design process, engage the community to develop mixed-use design parameters pertaining to height, density, traffic volume and patterns, and relation of site development to foot, bicycle, auto and mass transit traffic, as well as surrounding land uses.

Be It Further Resolved that the Walker Library Task Force be dissolved.

Adopted 4/15/05.

Absent – Niziolek, Zerby.

Schiff moved approval of a resolution supporting the continuation of the General College of the University of Minnesota. Seconded.

Chair Ostrow ruled Schiff's motion out of order as the subject matter was not germane to the business of the body.

Schiff appealed the ruling of the Chair. Seconded.

Chair Ostrow's ruling lost 4/15/05. Yeas, 4; Nays, 6 as follows:

Yeas – Benson, Lane, Johnson, Ostrow.

Nays – Lilligen, Johnson Lee, Samuels, Colvin Roy, Zimmermann, Schiff.

Declining to vote – Goodman.

Absent – Niziolek, Zerby.

Resolution 2005R-207, supporting the continuation of the General College of the University of Minnesota, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-207**

**By Schiff, Johnson Lee, Samuels, Zimmermann, Colvin Roy**

**Supporting the continuation of the General College of the University of Minnesota.**

Whereas, General College at the University of Minnesota has served the citizens of the City of Minneapolis and State of Minnesota for 73 years; and

Whereas, the mission of the General College is to develop, through teaching, research, and service, the potential for baccalaureate education in students who are serious about fulfilling their previously undeveloped or unrecognized academic promise; and

Whereas, General College's mission is an integral component of the populist origins and intentions of a land grant university; and

Whereas, the General College selects for admission those students who can best benefit from their early integration into the total University community, who can demonstrate that they have the motivation and determination to achieve, who are willing to direct their energy to a rigorous baccalaureate education at the University of Minnesota, and many of whom are from the City of Minneapolis; and

Whereas, General College is recognized as *the* national leader in developmental education program, as attested to by three national awards for excellence in recent years; the 2002 Retention Excellence Award from Noel-Levitz; the 2001 John Champaign Memorial Award for Outstanding Developmental Education Program, awarded by the National Association of Developmental Educators (NADE); and the "Best Practices" Award from the American Productivity Center and Continuous Quality Improvement Network; and



Whereas, the college has been a portal for returning GIs after World War II, older than average students through the 1950s and, beginning in the 1960s, populations, such as ethnic minorities and low income students who were previously bypassed; and

Whereas, the General College admits 825 students per year of an incoming class of about 5,000; these students constitute 46% of the University's freshmen students of color, many from the City of Minneapolis, vs. 8% for the rest of the University; and

Whereas, 28% of General College students (245) went to urban public high schools in Minneapolis and St. Paul, as compared with just 6.2% of students at all other U of M Twin Cities colleges; and

Whereas, students in urban communities are less likely to have access to college preparatory classes and are thus are less able to compete for a seat at the U as compared to their suburban counterparts; and

Whereas, General College is the home of the Commanding English program, established for immigrant students whose native language is not English, one of a number of programs designed to assist students of color, first generation college students, and low income students matriculate and succeed in higher education, most of whose current students are Somali students who live in Minneapolis; and

Whereas, General College is fundamentally different from community and state colleges, in part because faculty members hold Ph.D. degrees and are nationally recognized researchers on developmental education; and

Whereas, transfer from a community college does not appear to be a better alternative for students of color. Only about 70 students of color transferred from community colleges to the University of Minnesota in the fall (out of 9,000 students of color enrolled);

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports General College's effort to maintain its collegiate status at the University of Minnesota and continue to contribute to the University's laudatory efforts to improve undergraduate education for the citizens of Minnesota, its commitment to access and diversity, and its goal to become one of the top research universities in the nation.

Adopted 4/15/05. Yeas, 7; Nays, 4 as follows:

Yeas – Lilligren, Johnson Lee, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff.

Nays – Benson, Lane, Johnson, Ostrow.

Absent – Niziolek, Zerby.

Resolution 2005R-208, supporting Federal funding for the Minnesota Shubert Performing Arts and Education Center and adding the Shubert to the 2005 Federal Legislative agenda, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2005R-208**

**By Benson, Schiff, Ostrow, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Colvin Roy, Lane**

#### **Supporting Federal funding for the Minnesota Shubert Performing Arts and Education Center.**

Whereas, the Minnesota Shubert Center was a bonding priority on the 2005 State Legislative Agenda for the City of Minneapolis; and

Whereas, the amount provided to the Minnesota Shubert Center project in the State of Minnesota bonding bill was not enough to complete the project; and

Whereas, Federal funding may be available for the Minnesota Shubert Center project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:  
That the City of Minneapolis add funding for the Minnesota Shubert Performing Arts and Education Center to the 2005 Federal Legislative agenda.  
Adopted 4/15/05.  
Absent – Niziolek, Zerby.

Resolution 2005R-209, declaring that April 15, 2005 be North High School Lady Polars Day, was passed 4/15/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-209**

**By Johnson Lee**

**Declaring that April 15, 2005 be North High School Lady Polars Day.**

Whereas, North High School's Lady Polars have achieved the notable accomplishment of winning their third, Class 3A State Girls Basketball Championship in as many years, and

Whereas, the Lady Polars players; Apiphany Asberry, Tasha Byers, Maurika Carlisle, Markaja Cooper, Charmaine Cross, Nadvia Davis, Ashlynn Fuller, Daria Frazier, Ephesia Holmes, Davida Moore, Takiyah Stewart, Catrice Williams have excelled in their sport, while demonstrating their commitment to academic achievement by maintaining a cumulative team grade point average of 3.0; and

Whereas, the Lady Polars Student Managers; Arsenio Ward, Curtis Johnson, LaBrecia Johnson and Anthony Johnson have actively assisted in their team's success by furnishing their indispensable support, which has contributed to the teams winning attitude and superb performance; and

Whereas, the Lady Polars Head Coach Faith Johnson-Patterson, Assistant Coach, John Patterson and Athletic Directors; Jeff Buszta and Steve Lasley have consistently provided exceptional leadership, motivation and guidance to embody the pursuit of academic excellence and outstanding sportsmanship; and

Whereas, the city of Minneapolis wishes to extend our deepest congratulations to the North High School's Lady Polars basketball team in recognition of this exceptional achievement;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby declares April 15, 2005 as North High School's Lady Polars Day in the City of Minneapolis.

Adopted 4/15/05.

Absent – Niziolek, Zerby.

**UNFINISHED BUSINESS**

Don Willenbring, dba Timeless Homes (4623 Lyndale Ave N): Grant waiver from moratorium on construction of new single-family, two-family & multiple-family dwellings in North Minneapolis for development new triplex, subject to condition (Postponed 4/1/05).

Johnson moved that the report be postponed. Seconded.

Adopted upon a voice vote 4/15/05.

Absent – Niziolek, Zerby.

**NEW BUSINESS**

Zerby introduced an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 319.230 to add signage provisions for parking lots that engage in immobilization of unauthorized vehicles).

Ostrow moved to adjourn to Room 315 City Hall to consider the matter of the City of Minneapolis v. KBL Cablesystems, dba Time Warner Cable lawsuit. Seconded.

Adopted upon a voice vote 4/15/05.

Absent – Niziolek, Zerby.

Room 315 City Hall

Minneapolis, Minnesota

April 15, 2005 – 11:35 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Lilligren, Johnson Lee (in at 11:40 a.m.), Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy (in at 11:43 a.m.), Zimmermann, Schiff, President Ostrow.

Absent – Council Member Niziolek, Zerby.

Also Present – Jay Heffern, City Attorney; Peter Ginder, Assistant City Attorney; Gail Plewacki, Communications; Michael Bradley and Steve Guzzetta, outside counsel with Bradley & Guzzetta, LLC; Peter Wagenious, Mayor's Office (in at 11:54 a.m.), Merry Keefe, City Clerk; Irene Kasper, City Clerk's Office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the City of Minneapolis v. KBL Cablesystems, dba Time Warner Cable lawsuit.

At 11:37 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote 4/15/05.

Absent – Johnson Lee, Niziolek, Zerby.

Michael Bradley summarized the City of Minneapolis v. KBL Cablesystems, dba Time Warner Cable lawsuit from 11:49 a.m. to 12:15 p.m.

At 12:15 p.m., Colvin Roy moved that the meeting be opened. Seconded.

Adopted upon a voice vote 4/15/05.

Absent – Niziolek, Zerby.

Goodman moved that the City Attorney be authorized to take any action necessary to enforce the Minneapolis Cable Communication Franchise, and any rights or property interests arising there from, including but not limited to, authorizing the City Attorney to initiate a lawsuit against Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis. Seconded.

Adopted 4/15/05.

Absent – Niziolek, Zerby.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Johnson moved to adjourn at 12:20 p.m. Seconded.

Adopted by unanimous consent 4/15/05.

Absent – Niziolek, Zerby.

Merry Keefe,  
City Clerk

Unofficial Posting: 4/19/2005

Official Posting: 4/22/2005

Correction: 5/17/2005

7/19/2005